

IN THE
COURT OF CRIMINAL APPEALS
OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
6/26/2020
DEANA WILLIAMSON, CLERK

LESLEY ESTHER DIAMOND

§

§

VS.

§

CAUSE NO. PD-1299-18

§

THE STATE OF TEXAS

§

**APPELLANT'S MOTION FOR LEAVE TO FILE A MOTION
FOR REHEARING THAT EXCEEDS THE MAXIMUM WORD COUNT**

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Lesley Esther Diamond files Appellant's Motion for Leave to File a Motion for Rehearing that Exceeds the Maximum Word Count, and would show as follows:

I.

The maximum length of a motion for rehearing is 4,500 words. TEX. R. APP. P. 9.4(i)(2)(D). Appellant has filed a motion with 6,807 words. She requests leave to file a motion for rehearing that exceeds the maximum word count.

The Court reversed the judgment of the court of appeals in a 26-page, published opinion that contained numerous errors in fact and law and inadvertent misrepresentations of the record. Counsel ordinarily does not quote record excerpts and prefers simply to cite to pages in the record where a court can locate the supportive authority for his arguments. However, counsel quoted multiple record excerpts in the motion, which contains five reasons for rehearing, to demonstrate the errors in the Court's opinion. Quoting these excerpts instead of

citing to them increased the word count, but doing so in this particular case will best help the Court understand what the record actually contains more than page citations would. The latter practice, while using fewer words, would increase the time and effort for the Court and its staff to locate the portions of the record that support appellant's arguments.

Accordingly, appellant respectfully requests that the Court grant her leave to file a motion for rehearing that exceeds the word count.

Respectfully submitted,

/s/ Josh Schaffer

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Attorney for Appellant
LESLEY ESTHER DIAMOND

CERTIFICATE OF SERVICE

I served a copy of this motion on Patricia McLean, assistant district attorney for Harris County, and on Stacey M. Soule, State Prosecuting Attorney, by electronic service on June 26, 2020.

/s/ Josh Schaffer

Josh Schaffer

Automated Certificate of eService

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